

REMARKS

This paper is submitted in response to the final Office Action mailed April 15, 2005 having a shortened statutory period ending on July 15, 2005. This paper is filed within two months of the Office Action mail date, namely June 15, 2005. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

Applicants respectfully submit that this Amendment be entered as it 1) places the claims in a condition for allowance and 2) requires only a cursory review by the Examiner.

Claims 22-35, 37-39 and 145-161 are currently pending in this application. Claims 22, 39 and 161 have been amended. Claims 162-194 have been canceled.

Claims 22-35 and 37-39 were rejected under 35 U.S.C. §112 1st paragraph as the terms “non-diene-containing” and “the film has a surface roughness average of about 7 to about 30” were alleged to be not present in the specification as filed. Applicants respectfully disagree with and traverse these rejections for the reasons set forth below.

Claim 22 has been amended to articulately recite the subject matter of the present claims. Neither has new matter been added nor has the claim scope been narrowed as a result of this amendment. It is an axiom of patent law that a patent application need not describe the claimed subject matter in exactly the same terms as used in the claims. *In re Wertheim*, 191 USPQ 90, 96 (CCPA 1976). Consequently, the test for determining compliance with the description requirement is whether the application reasonably conveys to the skilled artisan that the inventor had possession of the claimed subject matter at the time of the filing date. *Eiselstein v. Frank*, 34 USPQ2d 1467, 1470 (Fed. Cir. 1995).

The skilled artisan would readily recognize that the present specification clearly sets forth a “diene-free” polymer blend as recited in the present claims. Indeed, the specification at page 14 line 6 through page 15 line 5 provides specific examples of diene-free first and second components. Diene-free ethylene-containing polymers such as ultra low density polyethylene and ethylene-propylene rubber are disclosed at page 14 lines 9-10 of the specification. Specific examples of diene-free propylene- and methyl pentene- containing polymers are further provided at page 14 lines 20-30 of the present specification. In view of the specific examples of diene-free first and second components provided in the specification, the skilled artisan would readily recognize that a diene-free polymer blend was possessed by the inventors at the time the present application was filed.

The surface roughness average values for the film recited in the present claims are also explicitly set forth in the specification at page 20 lines 13-27, page 22 lines 15-35, and FIG. 10. In particular, Table 4 on page 22 of the specification provides specific examples of three films having surface roughness Ra values from about 7 to about 30. For these reasons, Applicants respectfully request that the §112 rejections be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicants submit that claims 22-35, 37-39, and 145-161 are in a condition for allowance and respectfully request a notice of the same.

Respectfully submitted,
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BY 

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